

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Criminal Revision 1484 of 2008

Date of Decision : November 16, 2016

Lila Ram	Versus	Petitioner
State of Haryana		 Respondent

CORAM : HON'BLE MR. JUSTICE T.P.S.MANN

Present : Mr. Jitender Dhanda, Advocate
for the petitioner.

Mr. Ashok S. Chaudhary, Addl. A.G., Haryana.

T.P.S.MANN, J. (Oral)

The petitioner was tried for committing offences punishable under Sections 279, 338 and 304-A IPC. Vide judgment and order dated 2/6.12.2006, learned Judicial Magistrate 1st Class, Rewari, convicted him for the aforementioned offences and sentenced him as follows:-

- (i) Rigorous imprisonment for two years for the offence under Section 304-A IPC;
- (ii) Fine of Rs.250/- for the offence under Section 337 IPC and in default thereof, to suffer further rigorous imprisonment for 45 days; and
- (iii) Fine of Rs.500/- for the offence under Section 279 IPC and in default thereof, to

suffer further rigorous imprisonment for three months.

The fine imposed was deposited by him there and then.

Aggrieved of his conviction and sentence, the petitioner preferred an appeal but remained unsuccessful as it came to be dismissed by learned Additional Sessions Judge, Rewari, vide judgment dated 14.6.2008. Still not satisfied, he filed the present revision, which was admitted on 15.10.2008 and his sentence of imprisonment was also suspended.

According to the prosecution, the petitioner was driving a truck bearing registration No. DL-1GA-6636 in a rash and negligent manner while coming from the side of Jaipur and hit the jeep bearing registration No. HR-36B-4885, in which, complainant Chanderkant with Tribhuwan and Ramesh were travelling. As a result, both Tribhuwan and Ramesh sustained injuries. Later on, Ramesh succumbed to his injuries at the spot.

After hearing learned counsel for the parties and on going through the judgments passed by the learned Courts below, this Court finds that PW3 complainant Chanderkant and PW4 injured Tribhuwan have categorically deposed that the accident had taken place on account of rash and negligent driving of the truck by the petitioner. Their testimonies are duly corroborated by PW1 Dr. Kamal Mehra and

PW2 Dr. J.K.Saini, who had conducted medico-legal examination of injured Tribhuwan and post-mortem of deceased Ramesh. The investigation part of the case has also been brought on record by the prosecution by examining PW5 ASI Rattan Singh. As such, no case is made out for any interference in the conviction of the petitioner for the various offences.

The petitioner is facing the agony of criminal prosecution for the last more than seventeen years. He claims himself to be a first offender and sole bread winner of his family consisting of old parents and children. As per the custody certificate produced by the learned State counsel, he has undergone an actual sentence of four months and four days.

Taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose will be served by sending the petitioner behind the bars, once again, for undergoing his remaining substantive sentence of imprisonment. Ends of justice shall be suitably met, if his substantive sentence of imprisonment is reduced to the one already undergone by him. At the same time, the petitioner can be sentenced to pay a sum of Rs.30,000/- as fine for the offence under Section 304-A IPC, so that the same, on its recovery, may be paid to the legal heirs of deceased Ramesh, as compensation.

Resultantly, the conviction of the petitioner for the offences under Sections 279, 337 and 304-A IPC is upheld. His substantive

sentence of imprisonment stands reduced to the one already undergone by him. The fine of Rs.250/- and Rs.500/- imposed for the offences under Sections 337 and 279 IPC, respectively, alongwith their default clauses is maintained. The petitioner is sentenced to pay fine of Rs.30,000/- for the offence under Section 304-A IPC. The said amount of fine be deposited by him with the trial Court within three months from today, failing which, he shall be required to undergo rigorous imprisonment for four months. The said amount of fine, i.e. Rs.30,000/-, when deposited by him, be disbursed in favour of the legal heirs of deceased Ramesh, as compensation.

The revision is, accordingly, disposed of.

November 16, 2016
amit rana

(T.P.S. MANN)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No